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# Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## The right of the freedom to elect its own religious leaders and the long-standing Mufti issue in Greece

The legal status of the Turkish Minority of Western Thrace and Greek minority in İstanbul is based on the Treaty of Lausanne of 1923 signed between Turkey and Greece. The obligations assumed by Greece and Turkey under Section III of this Treaty include the right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

A parallel is often underlined between the Greek Orthodox Patriarchate in İstanbul and the Muftiate in Western Thrace as the rights of the concerning Greek and Turkish minorities have been determined by the same treaty. The Greek Orthodox Patriarch of İstanbul is elected by the Holy Synod after the submission of the list of would-be candidates to the public authorities.

A similar method has been implemented in Western Thrace until 1990. Law 2345/1920 was put into effect for the implementation of the provisions of the 1913 Athens Treaty which noted, "Each Mufti will be elected by the Moslem electors in their respective jurisdiction areas". In accordance with provisions of this Treaty, Muftis in Komotini and in Xanthi were appointed by a special decree issued by the King, while mufti in Alexandropolis was never appointed. In violation of the Athens and the Lausanne Treaties, the Presidential Decree of 24 December 1990 adopted a legislative decree and ordered that Muftis must be appointed by Presidential Decree on nominations from the Ministry of Education and Religious Affairs.

Following the promulgation of the legislation which laid out provisions for the appointment of Muftis in 1990, members of the Turkish minority have elected their own religious leaders. However, public authorities did not recognize the Muftis who were elected by minority members and they were prosecuted and sentenced to prison for the illegal use of religious symbols.

Due to the lack of implementation of commitments undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is not still recognized. There is a duality today in Western Thrace, the Muftis appointed by the State and the Muftis elected by the Turkish minority. Greece notes in international platforms that it is examining possible ways of introducing new elements that would allow an even more representative and transparent process for the selection of the Muftis. We would like to remind that any steps that would be taken on the Mufti issue should be in accordance with the freedom of religion, including the right to choose its own religious leaders and in accordance with autonomous structure in the religious field granted to the minority by international treaties.

Another important problem in the religious field in recent years is that under a law adopted in 2013, the government appointed Islamic religious instructors to teach Islam to the children belonging to the Turkish minority in Greek-language public primary and secondary schools and mosques in Western Thrace under the auspices of the government-appointed muftis. This law provides for Islamic religious instructors to teach Islam to the Muslim minority in Greek-language public schools in Thrace in lieu of mandatory Greek Orthodox religious courses offered twice a week for two hours. The new legislation in practice allows the government to exercise state control over religion through the appointment of religious officers i.e. Imams to mosques and public schools under the realm authority of the official Muftis (appointed) in Xanthi, Komotini and in Didymoticho in Greece.

The law was implemented first in the Greek-language public schools in Western Thrace in 2013. As the second part of the implementation of the law, an Islamic religious instructor, i.e. muezzin was appointed in March 2014 to the mosque in the Turkish minority village of Büyük Dervent (Mega Derio). Many uniformed police officers deployed themselves in the coffee house of the village just half an hour before the Friday Adhan and then the muezzin walked into the mosque with apparent intention to lead the service. The community in the mosque did not allow him to lead the adhan.

The police escort continued several weeks. This is against the well-established traditions since the Muslims employ the imams and the muezzins themselves in all the minority villages in the region.

There are some new developments in the religious field which raise concerns of the Turkish minority on grounds that the Greek government is planning to take a step on the Mufti issue again with no prior consultations or dialogue with the minority in a way which would further destroy the autonomy in the religious field. On 25 December 2016, it was declared that the duty of Mufti (appointed) Naib Mehmet Şerif Damatoğlu was ended as of December 21, 2016, in accordance with the official decision of the General Secretariat of the Administration under the Ministry of Interior of Greece, and that Hamza Osman Aliosman was appointed as the naib (regent) to the Muftiate of Dimetoka (Didymoticho) (appointed) until the permanent appointment of the Mufti to the vacant mufti office since 1986[1]. This appointment was commented in minority media and by minority members as the Government was preparing to take a step for the selection for the Muftis (appointed) in 2017.

It is commented in minority media that the Greek government demands resignation of appointed Mufti of Rhodope and appointed Mufti of Xanthi to make ad hoc appointments until the election of the Muftis by religious instructors hired in the public schools in the region of Western Thrace under Law 4115/2013[2]. Then, Greek government would appoint these persons as the Muftis for Rhodope, Xanthi and Didymoticho which would be a clear violation of the religious autonomy granted by international treaties.

Today, there is a clear violation of the right to freedom of religion by the Greek government. The ecclesiastic of the Eastern Orthodox Church of Christ, which is the prevailing religion in Greece, are public servants, but they are selected by the Church itself. And, the Jewish Central Board or the Catholic and Protestant Church are free to elect its own religious leaders. However, due to the lack of implementation of commitments undertaken by Greek authorities, the right of the Turkish Minority of Western Thrace to elect its own religious leaders is still usurped by the Greek state.

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, we call upon the Greek State:

- To comply with the Treaty of Lausanne of 1923 and prior Athens Treaty of 1913 and its Third Protocol,

- To allow the Turkish minority in Western Thrace to elect freely its own religious leaders as the Jewish Central Board or the Catholic and Protestant Church,

- To recognize the Muftis elected by the Turkish minority of Western Thrace,

- To repeal Law 4115/2013 and respect the right of the Turkish Minority to select, appoint and replace their personnel in accordance with its respective requirements and standards,

- To guarantee that the members of the Turkish Minority would enjoy the same treatment and security in law and in fact as other Greek nationals in the management and control of their religious institutions and that they could exercise their religion freely therein,

- To establish a mechanism for dialogue between governmental authorities and the Turkish minority in the form of advisory or consultative bodies that would be the channel for the minority to raise its own voice.

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[1] http://milletgazetesi.gr/view.php?id=6367

[2] http://www.birlikgazetesi.net/haberler/12301-meco-ve-nkolunun-stfasi-stenyor.html